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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,830	05/08/2002	Klaus Bruchmann	BRU6144P0040US	5770

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WOOD, PHILLIPS, KATZ, CLARK & MORTIMER  
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EXAMINER

POLK, SHARON A

ART UNIT PAPER NUMBER

2836

DATE MAILED: 10/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application N .

10/031,830

Applicant(s)

BRUCHMANN, KLAUS

Examiner

Sharon Polk

Art Unit

2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 January 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-13 is/are rejected.
- 7) ☒ Claim(s) 5, 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9. 6) ☐ Other:

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application PCT /EP00/06944, filed on July 20, 2000.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on June 7, 2002 has been considered by the examiner.

### ***Claim Objections***

3. Claims 3 and 4 are objected to because of the following informalities: there is a lack of antecedent basis regarding the claimed "optical" indication. Appropriate correction is required.

Claims 11-13 are objected to because of the following informalities: Claim 13, recites "in particular." However, it is not clear if the limitation which immediately follows the recitation is part of the claimed invention. Furthermore, it is not clear which "one" of the claims is being claimed. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-4, 7-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 2 309 122 A, (Chew.) in view of Sanchez, US 3,609,268.**

With regard to claim 1, Chew teaches a switching rocker (30) for a fused switch unit (fig. 4), into which a fuse plug (29) for holding a fuse link (23) can be inserted and which is mounted in a housing (e.g., fig. 4) of a fused switch unit such that it can pivot to and fro between a switched-off position and a switched-on position (e.g., abstract).

Chew teaches the claimed switching rocker, but lacks the teaching of the switching rocker having an indication. However, the indication as claimed is taught or fairly suggested by Sanchez (e.g., abstract). One of ordinary skill in the art at the time of the invention would have been motivated to modify Chew for the purpose of providing an indicator which automatically indicates the state of the switch, and affords effective indication (1:71-72).

With regard to claim 2, Sanchez teaches the indication arranged in an inner area of the switching rocker (e.g., fig. 3). One of ordinary skill in the art at the time of the invention would have been motivated to modify Chew for the purpose of economizing space requirements (e.g., 1: 74-75).

With regard to claim 3, Sanchez teaches the indication arranged behind a transparent window (1:20-21).

With regard to claim 4, Sanchez teaches the switching rocker is at least partially composed of transparent material with the indication arranged behind a transparent material (1:20-21).

With regard to claims 7, and 9, Sanchez teaches the switching rocker has apparatuses (18, 19, 20, 21, and TN) for a monitoring circuit, which is arranged in an inner area of the rocker switch (fig. 3).

With regard to claim 8, Sanchez teaches the switching rocker apparatus' as claimed (e.g., 3:9-14).

With regard to claim 10, Sanchez teaches or fairly suggests the inner area as claimed (e.g., fig. 3). One of ordinary skill in the art at the time of the invention would have been motivated to modify Chew for the purpose of economizing space requirements (e.g., 1: 74-75).

**Note: With regard to claims 11-13, for purposes of examination, the examiner selects the rocker switch as claimed in claim 1.**

With regard to claim 11, Chew teaches a fused switch unit, with a housing (fig. 4), a switching rocker (30) for into which a fuse plug (29) for holding a fuse link (23) can be inserted and which is mounted in a housing (e.g., fig. 4) of a fused switch unit such that it can pivot to and fro between a switched-off position and a switched-on position (e.g., abstract).

Chew teaches the claimed switching rocker, but lacks the teaching of the switching rocker having a monitoring circuit as well as indication. However, the monitoring circuit, and optical indication as claimed is taught or fairly suggested by Sanchez (e.g., abstract, 18, 19, 20, 21, and TN). One of ordinary skill in the art at the time of the invention would have been motivated to modify Chew for the purpose of

providing an indicator which automatically indicates the state of the switch, and affords effective indication (1:71-72).

With regard to claim 12, Sanchez teaches or fairly suggests the indication arranged in an inner area of the switching rocker (e.g., fig. 3). One of ordinary skill in the art at the time of the invention would have been motivated to modify Chew for the purpose of economizing space requirements (e.g., 1: 74-75).

With regard to claim 13, Sanchez teaches or fairly suggest the contact apparatus as claimed (e.g., 3:9-14).

#### ***Allowable Subject Matter***

5. Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not teach or fairly suggest a rocker switch having indication in the vicinity of an operating grip in combination with the additional recited elements.

#### ***Citation of Prior Art***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent Nos. 6,549,137, 5,810,109, 5,739,737, 5,089,799, 4,321,442, 4,298,854, 4,268,106, 3,928,743, 3,800,259, and Des. 308,963 disclose aspects of the claimed invention.

***Communication with the PTO***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon Polk whose telephone number is 703-308-6257. The examiner can normally be reached on M-F 7-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on 703-308-3119. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

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BRIAN SIRCUS  
SUPERVISORY PATENT EXAMINER  
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